UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/561024
Filing Date: December 16, 2005
Appellant(s): RONALD LYNN BLAIR ET AL.

Joel M. Fogelson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/20/2010 appealing from the Non-Office

action mailed 04/19/2010.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-2, 5-13 and 16-19 are pending and under Non-Final rejection.

(4) Status of Amendments After Non-Final

The examiner has no comment on the appellant's statement of the status of amendments after Non-final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection

to be reviewed on appeal. Every ground of rejection set forth in the Office action from

which the appeal is taken (as modified by any advisory actions) is being maintained by

the examiner except for the grounds of rejection (if any) listed under the subheading

"WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under

the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the

Appendix to the appellant's brief.

(8) Evidence Relied Upon

2005/0251827   Ellis et al.   Nov. 2005

EP 1119120   Bosloy et al.   07-2001

6774926   Ellis et al.   08-2004

Olson, "Request for Comments 3266. Updates 2327", Network Working Group,

(June 2002)

(9) Grounds of Rejection

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.*

2.   Claims **1-2, 5, 9-13 and 19** are rejected under 35 U.S.C. 103(a) as being

unpatentable over US 2005/0251827 A1 published by **Ellis** et al. (Hereinafter **Ellis**); in

view of EP 1119120 issued to **Bosloy**.

    Regarding to claim 1: Ellis teaches **a method for issuing a parental monitoring**

query command for determining a media object being rendered on a remote

device (i.e. user TV equipment [44] of Fig. 1; **(Ellis, ¶0012), comprising the steps of:**

Fig. 3, 4a-4c of Ellis illustrate **from a monitoring device** (i.e. parent TV [60])

transmitting a query requesting identification information for a media object (i.e.

scheduled television programming) **to a remote device** (i.e. children TV [61], living

room TV [62], or guest TV [63]) **from a host device** (i.e. server [42] in television

distribution facility [38] of Fig. 1); **(Ellis, ¶0062, ¶0101, and Fig. 16)** and may further

"provide, from the monitoring device" [60] the ability to remotely change the viewed

media object in the case of objectionable content being watched **[¶0103]**.

However, Ellis fails to teach *the media object are being multicast through a multicast*

group; receiving multicast information in response to said query, wherein said multicast

information indicates a multicast address and port which is used to multicast said media

object through the multicast group to the remote device from the host device; joining the

multicast group with said received multicast information to receive said media object;

In an analogous art directed toward a similar problem namely improving the results from

above missing features of Ellis. Fig. 2-5 of Bosloy illustrates a source [10] as **the host**

device; edge blocks 40-42; each block has **a multicast group** (i.e. subscribers [51-55])

(Bosloy, ¶0010); the media object are being multicast through a multicast group to

the remote device (i.e. user's device at subscribers [51] to [55]) **(Bosloy, ¶0016-**

¶0019);

 receiving multicast information (i.e. subscriber communicates with edge blocks by

using IGMP) **in response to said query; (Bosloy, ¶0020, ¶0046) wherein said**

multicast information indicates a multicast address (i.e. completed data stream in a

point to multipoint transmission can be delivered on the same destination IP address)

and port (i.e. each of edge blocks 40-42 is different port for a particular channel) **which**

is used to multicast said media object through the multicast group to the remote

device from the host device; (Bosloy, ¶0014-¶0016);

joining the multicast group with said received multicast information to receive

said media object; (Bosloy, ¶0025-¶0028 and ¶0042)

Therefore, It would have been obvious to a person of ordinary skill in the art at the time

of the invention was made to modify *a method for issuing a parental monitoring query*

command for determining a media object being rendered on a remote device **of Ellis**

includes *a multicast group using IGMP communication* as taught by Bosloy in order to

provide digital multimedia distribution services in a manner that reduces latency and

allows for expandability in terms of the number of subscribers which may be supported.

(Bosloy, ¶0008)

Additionally, Bosloy teaches **resolving said multicast address and port information;**

(Bosloy, ¶0014-¶0019) to combine with Fig. 18-19 of Ellis depicts **identify attributes of**

said media object; (i.e. a user in the parents' room may notice that the television in the

children's room is tuned to a program the child should not be watching; setting the

parental control features that may be distributed to remote locations within a household

include: blocking channels by title, blocking channels by time, blocking channels by

content (language, nudity, etc.), **(Ellis, ¶0102 to ¶0105)**

Finally, Bosloy teaches **providing a leave command** (i.e. as leave request) **to the host**

device (i.e. edge block) **to remove said remote device from said multicast group;**

(Bosloy, ¶0036, ¶0044), in view of Ellis teach **from the monitoring device** (i.e. parent

TV [161] as master control [166] of Fig. 11) **(Ellis, ¶0092)**, where parent can set the

parental control features that may be distributed to remote locations within a household

include: blocking channels by title, blocking channels by time, blocking channels by

content (language, nudity, etc.), if the parent notices that the television in the children's

room is tuned to a program the child should not be watching; **(Ellis, ¶0095 to ¶0099**

and ¶0102 to ¶0105) meets the limitation of **" if said media object is objectionable**

so that receipt of said media object by said remote device is disabled in real-

time". Therefore, It would have been obvious to a person of ordinary skill in the art at

the time of the invention was made to modify monitoring **if said media object is**

objectionable of Ellis including **leave command** as taught by Bosloy **to disable said**

remote device for receiving said media object.

Regarding to claim 2: the method of claim 1; Ellis teaches digital multimedia as **said**

media object is rendered on said monitoring device; (i.e. television programs may

be displayed on television 52 of set-top box [48]) **(Ellis, ¶0102)**

Regarding to claim 5: In the method of claim 1; Bosloy explicitly teaches **monitoring**

device is an Internet Protocol enabled set top box. (i.e. an IP protocol which allows

host (i.e. as Set-top box 60) to control their IP multicast group) **(Bosloy, ¶0020, ¶0022)**

Regarding to claim 9: Ellis further teaches **a middleware server** ;(i.e. server [42] or

[80] of Fig. 5 as a client server) **(Ellis, ¶0062, ¶0074);** in view of Bosloy teaches

wherein said resolving step uses IGMP data obtained from a middleware server

Regarding to claim 10: In the method of claim 1; Bosloy also teaches **where said**

query additionally comprises:

a request for a browser history log file (i.e. the subscriber history information),

(Bosloy, ¶0023)

and Bosloy further teaches the subscriber history information with regard to complete

data stream selection as TCP/IP to be delivered to the same destination IP address)

(Bosloy, ¶0014) meets **where said log file comprises the IP addresses of media**

objects accessed by said remote device.

Regarding to claim 11: In the method of claim 10, Bosloy further teaches **the remote device is a personal computer** (i.e. personal computer [62] of Fig. 3; (**Bosloy, ¶0022**)

Regarding to claim 12: Fig. 1 of Ellis illustrates **an apparatus** (i.e. a program guide system [30]) **for issuing a parental monitoring query command for determining a media object being rendered on a remote device** [44] as shown in Fig. 18 a, 18b and 19**; (Ellis, ¶0059 to ¶0068; ¶0095 to ¶0099)**, merely repeat the same method as disclosed in claim 1. Herein:

Fig. 5 of Ellis illustrates a communication path 85 as a **network interface; (Ellis, ¶0074)** that issues a query requesting identification information for a media object

Fig. 3 of Bosloy illustrates a point-point connection [66] is a broadband interface also as a **network interface**; (**Bosloy, ¶0019**)

Fig. 4 of Bosloy illustrates **a transport decoder** [70] that processes said multicast information in response to said query; which includes **a data transport decoder [76]** that resolves said multicast address and port information to identify attributes of said media object; (**Bosloy, ¶0030-¶0031**)

These above components have function supporting the limitation of claim1 which is disclosed by Ellis and Bosloy, wherein the apparatus is implemented using the "method" of Ellis and Bosloy; therefore, claim 12 is rejected by combination of Ellis and Bosloy for the same reason as discussed in claim 1 (see discussion in claim **1** above).

Regarding to claim13: merely repeat the same features of claim 2, Ellis and Bosloy

disclose all claim limitation of claim 2; wherein the apparatus is monitoring device [60] of

Ellis; see discussion in claim **2** above.

Regarding to claim 19: merely repeat the same features of claim 10, Ellis and Bosloy

disclose all limitation of claim 10; wherein the apparatus is implemented using the

"method" of Ellis and Bosloy; see discussion in claim **10** above.

3.   **Claims 6, 7, 16 and 17** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Ellis and Bosloy**, in view of US Patent No. 6774926 to Ellis et al.

(Hereinafter **Ellis'926**)

Regarding to claim 6: In the method of claim 1; Ellis and Bosloy fail to teach wherein

said monitoring device uses a channel list that maps said multicast address and port to

a channel.

In an analogous art directed toward a similar problem namely improving the results from

a channel list that maps said multicast address and port to a channel. Ellis'926 teaches

a personal television channels with digital or analog television channels on a viewer's

set-top box **wherein said monitoring device** as viewer equipment 34 **uses a channel**

list (i.e. channel maps that link certain personal television channels with digital or

analog television channels on a viewer's set-top box or that link certain personal

television channels with Internet address information as **multicast address and port**

that may be used to locate **to a channel** when a viewer desires to view certain personal

television channel programming; **(Ellis'926; col. 14 lines 4-12**) Therefore, It would have

been obvious to a person of ordinary skill in the art at the time of the invention to modify

the setting parental control features of Ellis and Bosloy with a personal TV channel as

taught by Ellis'926; in order to Links may be provide links from displayed personal

television channels to web sites, chat rooms, e-mail applications, and other such

features **(Ellis'926; Abstract)**.

Regarding to claim 7: In the method of claim 6; Fig. 18a-18b of Ellis illustrate channel

screen [208] wherein **a program guide is used to select the media objects**

transmitted via a multicast media object corresponding to said channel". **(Ellis,**

¶0098, ¶0099)

Regarding to claim 16: merely repeat the same features of claim 6, Ellis, Bosloy and

Ellis'926 disclose all limitation of claim 6; wherein the apparatus is implemented using

the "method" of Ellis, Bosloy and Ellis'926; see discussion in claim **6** above.

Regarding to claim 17: merely repeat the same features of claim 7, Ellis, Bosloy and

Ellis'926 disclose all limitation of claim 7; wherein the apparatus is implemented using

the "method" of Ellis, Bosloy and Ellis'926; see discussion in claim **7** above.

4.   Claims **8 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ellis and Bosloy ; further in view of "Request For Comments 3266; Updates 2327,

Network Working Group, June 2002) published by Olson et al.(hereinafter **Olson**)

Regarding to claim 8: Bosloy teaches **the media object is transmitted as part of an**

Internet Group Management compatible protocol multicasting service (IGMP);

(see **Bosloy, ¶0020, ¶0009, ¶0012, ¶0014, and ¶0048-¶0050)**.

However, Bosloy fails to teach "program identification information is available for said media object as part of a Session Description compatible protocol".

Olson; in the "Support for IPv6 in Session Description protocol (SDP)" teaches IPv6 addresses when used within a URL; **(Olson; pages 1-3)** meets the limitation of **"program identification information is available for said media object as part of a Session Description compatible protocol"**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the parental monitoring setting features of Ellis and Bosloy with IPv6 addresses in SDP as taught by Olson; in order to connect and monitor audience rating directly from updates software as IPv6 addresses without extra monitoring devices or manual operations from service providers.

Regarding to claim 18: merely repeat the same features of claim 8, Ellis, Bosloy and Olson disclose all limitation of claim 8 wherein the apparatus is implemented using the "method" of Ellis, Bosloy and Olson; (see discussion in claim **8** above).

 (10) Response to Argument

The Appellant respectfully traverses the rejections at least based on the following remarks.

A. Patentability of Claims 1-2, 5, 9-13 and 19

1. Appellant respectfully submits that Neither Ellis nor Bosloy, whether taken individually or in combination, discloses or suggests, *inter alia,* the aforementioned claimed feature that enables a parent at a "monitoring device" to determine which "media object" (e.g.,

television program) is currently being provided by a "host device" for viewing by a child

at a "remote device"; because Ellis nowhere discloses or suggests, *inter alia,* the

aforementioned claimed feature that enables a parent at a "monitoring device" to

determine which "media object" (e.g., television program) is currently being provided by

a "host device" for viewing by a child at a "remote device". Like Ellis, Bosloy fails

to disclose or suggest, *inter alia,* the aforementioned claimed feature that enables a

parent at a "monitoring device" to determine which "media object" (e.g., television

program) is currently being provided by a "host device" for viewing by a child at a

"remote device". (Appeal Brief, pages 6-7). Examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986). In this case, Examiner relies on Ellis (-827) teaches **a parent at a "monitoring**

device" (i.e. set-top box at user TV equipment [44] of Fig. 1 or Primary user [60] of Fig.

3) **enables to determine which "media object"** (e.g., television program contains

potential objectionable adult content; parents set parental controls to prevent children

from viewing potentially inappropriate material by blocking or hiding channel; see **Ellis ,**

pp. 0005, pp. 0095-0099) is currently being provided by a "host device" (i.e. Server

[42] in television distribution facility [38] of Fig. 1) **for viewing by a child at a "remote**

device"(i.e. secondary user television equipment [61, 62 or 64] of Fig. 3 or another user

TV equipment [44] in the same household); (**Ellis**; **Figs. 1, 3, 4a-4c, pp.0012, pp.0072,**

Figs. 18a-18b, 19, pp.0103). For example, as illustrated in Figure 19, a parent can

'monitor' from a 'host device' such as server [80] (Figure 5) that the child is watching

"Keenen + Kel" at a 'remote device' associated with the children's room. Therefore, it is

believed that Ellis explicitly discloses or suggests, *inter alia,* the aforementioned claimed

feature that enables a parent at a "monitoring device" to determine which " potentially

inappropriate media object" in TV programming is currently being provided by a "host

device" for viewing by a child at a "remote device".

2. Additionally, Appellants submit that modifying Ellis to include the feature of "providing

a leave command", as taught by Bosloy. That such a modification to Ellis would in no

way be desirable to one of ordinary skill in the art since it would change the principle

operation of Ellis; because a leave command as claimed, prevents the remainder of a

program from being received. (Appeal brief, page 8). Examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., a

leave command prevents the remainder of a program from being received) are not

recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re

Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, Examiner

relies on Bosloy teaches a leave command as request from subscribers in IGMG group

sending to the intelligent edge blocks to stop receive the data stream from network

using IGMP protocol. **(Bosloy, ¶0036, ¶0044).**

However, the principle operation of Ellis, parent at master location enables to set parental controls to prevent their children to watch TV programs or channel contains objectionable program or channel on children secondary's locations. In the Ellis's multicast system; parent station as Master device controls access the secondary devices (i.e. Children's TV devices) and can force 'leaving' a particular session thereby preventing the remainder of a program from being received on that device (Para. [0103]). Combined with IGMP group of Bosloy, parent sends join/leave request to the edge block in IGMP transmission to receive/terminate the data stream from network through the edge block. If parent determines the media object containing inappropriate material for their children, parents can request terminate or block (a leave command of Bosloy) the objectionable program from their children.

For these reasons, it is believed that a modification to Ellis by providing "a leave command in IGMP protocol as taught by Bosloy would have been obvious to one of ordinary skill in the art since it would not change the principle operation of Ellis; but also teachings of Ellis and Bosloy sufficient to render independent claim 1 prima facie obvious under 35 U.S.C. §103(a).

Dependent claims 2, 5 and 9-11:

No additional arguments other than those related to the claim being dependent upon a purported allowable claim are presented. Accordingly, the rejection is still believed proper for the reasons previously set forth.

Independent claim 12

Claim 12 has the same features as cited in claim 1. For the above reasons, it is

believed that teachings of Ellis and Bosloy sufficient to render independent claim 12

prima facie obvious under 35 U.S.C. §103(a).

Dependent claims 13, 19:

No additional arguments other than those related to the claim being dependent upon a

purported allowable claim are presented. Accordingly, the rejection is still believed

proper for the reasons previously set forth.

B. Patentability of Claims 6-7 and 16-17.

For the same above reasons as discussed in part A , it is believed that teachings of

Ellis, Bosloy and Ellis '926 sufficient to render dependent claims 6-7 and 16-17 prima

facie obvious under 35 U.S.C. §103(a).

C. Patentability of Claims 8 and 18.

For the same above reasons as discussed in part A, it is believed that teachings of Ellis,

Bosloy and Olson sufficient to render dependent claims 8 and 18 prima facie obvious

under 35 U.S.C. §103(a).

The Examiner's Answer has addressed Appellant's arguments for patent ability.

Any further arguments regarding other elements or limitation not specifically argued that

the appellant could have made are not being addressed for consideration by the panel.

Should the panel find that the examiner's position/arguments or any aspect of the

rejection is not sufficiently clear or a particular issue needs further explanation, it is

respectfully requested that the case be remanded to the examiner for further

explanation prior to the rendering of a decision.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/ALAN LUONG/

Examiner, Art Unit 2427

Conferees:

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427

/Jason P Salce/
Primary Examiner, Art Unit 2421